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AGAPE AND THE ACTIVITY OF “REFRAMING”

Today I want to talk about why it is so difficult to talk about *agape* and law in our world. I speak, as you will see, from a generally Christian point of view, but I hope what I say will be intelligible to everyone.

1.

One reason for the difficulty is has to do with the history and nature of the word *agape* itself. *Agape* is after all a term from another language, which, like other such words, cannot be translated into English without distortion. Even in Greek it is term with deep and

shifting meanings. And like almost all important words, in any language, it means different things to different speakers, and different things to the same speakers in different situations.

In some contexts this difficulty can be addressed by agreed-upon definitions, that is, by stipulating a set of words that can substitute for the problematic term in what we would call a technical or specialized language. This is not possible with *agape*, in part because the English words we would use—love, for example—are themselves full of rich and conflicting significance, but even more importantly because what *agape* points towards in the world of experience is not an object or concept of some kind, but the transformation of the whole self from the marrow outward.

Even if we try we cannot just decide that from now

on we will act out of *agape*. What the word calls for is a change in our selves and souls, a change that cannot really be described or predicted, though it may be perceived.

This means that as we speak about *agape* each of us will be shaping its meaning, for better or worse, not only in the connections we establish with other terms but more substantively: in who we become as we use it, in who we ask our audience to become, and in the way we talk about other people too. As we speak we are constantly performing and re-performing our own versions of the meaning of this crucial word. It is a center of mystery.

2.

We confront two other difficulties when we try to talk about *agape*, the first of which I will not talk about,

except indirectly. What I mean is our own selfishness—those defective aspects of our nature and character that resist the kind of love of God and neighbor to which Jesus calls us when he uses that word.

The second difficulty is my main subject today. This is the difficulty presented by those active forces in our culture, and therefore within each of us, that resist and hobble our efforts to think and talk about *agape*, let alone realize it in our lives. Think of this problem as a set of cultural mind-sets we cannot escape.

I don't mean to suggest that our culture is uniquely or especially bad, but simply that it has its own characteristic qualities, its ways of focusing and rewarding attention, and that in our case these work powerfully against the possibility both of our understanding *agape* and of our realizing it in our lives.

In a well-known story in the Gospel of Luke (12:21–13) a man asks Jesus to make his brother give him his inheritance. Jesus refuses to do that, then uses the man as an example in talking to the crowd around him:

"Beware of all sorts of greed." Then he tells the story about the rich farmer who plans to build a new barn for his bumper crop, only to learn that his soul is demanded of him that very night.

In this moment we can see that the whole side of the farmer's self that makes plans, seeks acquisitions, hopes to maintain property—that acts out the cultural imperatives of his time—is rendered empty and futile. This is meant as a lesson to the original questioner, to the crowd, and to us, urging us all to focus upon the first and most important things in life, not matters of

ultimate indifference.

The questioner is not a bad person, but he is caught up in the motives and values that define his society, which are so widespread and deeply rooted that they seem to him utterly natural. Of course he wants his inheritance. We would too.

In telling the parable Jesus is reframing the moment to include what is normally left out of our ways of thinking—here the reality of death. The idea is that this reframing may make it possible for us to recognize and accept what Jesus is telling us matters most in life, which is not our possessions, but *agape*: love of God and neighbor.

In this case what is brought into the circle of attention—that we will surely die, and may do so at any

moment—is something that the questioner, the crowd, the farmer, and all of us in some sense “know.” It is not brand new information. What the reframing does is to make it for the moment inescapable as a reality. This experience in turn asks us to imagine how our lives would be different if we could keep that reality always before us.

The fact that after such reframings we slide back into normalcy, over and over, means that our search has to be not only for such reframings, but for ways of keeping the shift of consciousness they produce more fully and permanently alive within us.

3.

Are we situated like the farmer and the man who wants his inheritance?

My own sense is that we are: we live in a culture

that is distinctively and dominantly quantitative, competitive, ranked, and often monetized, and this fact subjects us to pressures, in our minds and imagination and hearts, which it is very hard indeed to resist.

Another way to put this is to say that we know something dimly in our hearts which we cannot express or even see, something that is not quantitative, competitive or ranked—something that would make the equivalent of the man's inheritance in the story of minor importance in our lives—but we have great difficulty acting out of that knowledge.

The core of this knowledge is I think the core of agape. We are in fact born with a form of it, for every healthy baby comes into the world ready to give and receive love. This is the center of our affective lives, the center out of which everything is built. In grown-ups it

takes a somewhat different form: the recognition that every human soul is of equal and infinite value.

4.

Think for example of the ways in which we evaluate our own law schools, the places where most of us work every day. It is almost impossible these days not to think in terms of the idiotic and immoral rankings of the *U.S. News and World Report*, not only as they give us satisfaction or dissatisfaction, but as they shape our efforts to make our school better--not better in substantive ways, relating to a real education, but better in the sense of improving our rankings. "*How do we rank? How do we compare with others, our peers? Are we going up or down?*" These are the questions we are driven to ask, questions that all too often dominate and shape our thinking, and our desires too—for we find

ourselves actually wanting to be the kind of school that this newsmagazine ranks highly.

The real questions we should be asking are very different: *“Are we doing a good job at what we are called to do, as teachers of future lawyers? Are we good teachers? Is our writing of real and permanent value? How could we be a better school with respect to our students’ real education?”* These are crucial questions in the definition of a law school, but in my experience it is almost impossible to think about them collectively. As soon as that conversation gets started we are drawn away by the powerful magnet of the rankings to another conversation entirely.

Think of good teaching, which is important to all of us: how much of what we mean by such a phrase could possibly be captured by the multiple choice evaluations

that are now such a part of law school life?

If you are a law teacher, you might try to remember what your hopes and desires were when you first began to teach. Surely it was not that you would get high scores on evaluations. You had at one time an idea of teaching, and of law, that made law teaching a worthy aim for a life. You had an idea of what a good law teacher was, how you could become such a teacher—an idea of a good class, a good student, a good school. What has happened to those ideas and ideals?

What we need is a way of talking about teaching that is based on *agape*, that is on love both for our students and for what we do as people of the law: a way of talking in which we recognize our students as complex and complete human beings, with souls as well as minds; in which we respect the difficulties of their

ethical and professional choices; in which we ourselves believe in the value, to them and to the world, of the activities of law in which we are educating them.

We need, that is, a reframing, like the one Jesus offered the people in his parable: one that will work a transformation in the way we imagine our teaching and in the way we teach, freeing us from the motives and patterns that now clutter our minds so that we can stand firmly on another kind of ground, the utter transformation of the self implied in the term *agape*.

5.

But legal education—and even education more generally, which is all beset by the problems of quantitative evaluation—is only a small instance of a much larger problem.

Ask yourself this: based on what we hear, and what

we say, what is the purpose of our nation, the United States of America? What are the aims and values by which *its* performance is to be evaluated? As I remember my childhood, I would have thought that the common response then would have been in terms of democracy, self-government, the rule of law, and the protection of the rights of those with less power. Of course those ideals were deeply belied by the facts in many ways, but they nonetheless helped us think about how to shape and change our collective life. Today we could be forgiven if we thought that our country existed to do two things: to increase something called economic "prosperity" and to dominate the world.

Putting aside the second of these, what is this thing called "prosperity"? In our culture the natural way to measure prosperity is quantitatively, in the form of the

GNP, a measurement that is made on certain fundamental assumptions of economic science.

One such assumption is that wealth and hence prosperity can be measured in dollars of constant or uniform value. The richest country is the one with the greatest total wealth.

But we know, in a part of our souls and minds, that this assumption is simply not true. We know that the value of \$10 to a poor person is vastly greater than the same amount to a rich person. We know this in part from our own experience, in part from the story of the widow's mite, where Jesus makes plain that her gift of a penny is more than the most magnificent gift imaginable from a rich person—so long as it is less than all he has.

Here Jesus reframes the custom of treating money in the arithmetic way we normally do, and instead sees it as a human and moral reality. He recognizes that a dollar—or a copper penny—in the hands of someone who really needs it is worth much, much, more than a dollar in the hands of one who has lots of them. This means that for him it is much more important to ask what we do with our national wealth, in particular how much goes to the poor—in whose hand the dollars expand exponentially in value—than to ask how great that wealth is, especially when measured by dollars assumed to be of constant value.

For us this means something very troubling, that we should look at our own bank accounts in a different way, recognizing that they misstate value: as the accounts get bigger the dollars get less valuable; as the

dollars are put in the hands of people poorer than we are, they become more valuable. Jesus is telling us to recognize the fact that to distribute wealth to those who do not have it is to create wealth. This is part of what it means to know that every human being is of equal and infinite value.

6.

Here is a related question: in the assessment of prosperity, what activities should be thought to contribute to it? The kind of economic thinking that dominates our world and our minds measures only exchanges for gain. Gifts, like that of the widow, or other gifts of oneself or of time, do not count in computing economic activity. They are said to be transfers of wealth, not productions of wealth.

On the other hand, the sale of anything at all—from

soft drinks loaded with corn syrup to jet-skis which pollute the water to drugs that make us dependent upon them to pornographic pictures to violent and sadistic war games to machine guns—the sale of anything that is not criminal, enhances our wealth.

We know this is not true. We know that in any real estimate of our prosperity we should value highly activities that are good in themselves but do not involve exchanges--walks in the woods, playing with children, loving our spouses, listening to music, talking with friends. These are things we do not for what we can obtain by them, but for their own sake, as aspects of a healthy and good life. We should certainly not trivialize them with labels “entertainment” or “consumption.”

Likewise, we should devalue some activities that do involve exchanges, on the ground that they are worth

little or nothing, or do actual harm.

Here too we need a reframing of our own, a way of bringing into the center of our consciousness what we know in our hearts and imaginations about the value of human activities, both those that do not involve exchange and those that do.

Consider one more example. The treatment of the natural world--for some of us, the Creation—is another matter on which our language, our habits of thought and speech, twist and deform our imaginations. To the person who thinks in terms of the GNP the natural world really has no value at all until it is commodified in some way: a piece of it is broken off and made an article of commerce, like iron ore or salmon. Our system of thought comes very close to saying that the most successful community, the most “prosperous one,” is

that which makes the largest impact on the natural world, converting it as much as possible into the material of exchange.

But this is obviously silly. Nothing could be more plain than the fact that we depend upon the world of nature, the world we have been given, for everything in our lives, from air and water and food to shelter to the activities of the highest cultural value. A violin after all must be made of wood. An injury to the world of life that is our planet is an injury to all of us, present and future.

The fact that we are totally dependent upon the planet we are killing means that we need to find a way of talking about that world, the world of nature, not as a limit on economic activity as that is now envisaged, but as the center of economic thought.

Would it be possible for us to reframe this situation

so that we could treat the whole of the Creation as a holy organism, of which we are all parts, upon which we depend for everything, and with which we interfered as little as possible? This would be an expression of love for God as well as neighbor.

If we faced these and similar issues with openness and honesty, what would happen to idea of prosperity itself? Instead of an economic idea it might become an idea of a different kind: an idea of social health, of attunement, of respect for others, of an interest in meaning in life.

Jesus, after all, is telling us that what matters is not wealth, but who we are, as individuals and as a community—what kind of relation we have to each other and to the God from whom all good things come.

7.

A final brief story: in the 1970's The Third London Airport Commission was given the task of determining where the third London airport should be located. They tried to do this with the most elaborate imaginable analysis of costs and benefits, confident that this process would yield the best answer.

But their Report ended up a comic mess. They tried to use actual market exchanges to measure the value of costs and benefits—for example, what they discovered people would pay to get to the airport more quickly, per minute—but this could not begin to take account of all the consequences. How could their method possibly determine the value of a Norman church which is to be destroyed so that a runway could be built?

In the end, the majority of the Commission wanted

to locate the airport in the only green space between London and Birmingham, ostensibly basing their judgment on the cost-benefit analysis but revealing in the way they wrote their opinion that they were really functioning out a shapeless fear—fear of what American travel agents would do if the airport were located any further from London. The dissent favored a location east of London largely on the sensible ground, utterly disregarded in the cost/benefit analysis, that this would have a hugely positive social and economic effect in the rehabilitation of East London. In fact the airport was never built at all.

In my view all this made a mockery of the attempt to resolve a complex social issue by a mechanistic invocation of something called “cost benefit analysis.”

In fact, the Report of the Commission unwittingly

demonstrated the need for something else, for which perhaps the best word is judgment—judgment of the kind that lawyers have to make every day, whenever they are confronted with a real situation which cannot be reduced to the formulas of a rule or system, judgments for which actual individuals are responsible, and which they should be prepared to justify in statements that do not pretend it is easy but reflect the limits of their own minds and imaginations. The dissent's recognition of the plight of the constantly overlooked East Londoners was such a judgment, one that reframed the whole situation and exposed the empty way in which the majority was thinking about it. Significantly, it was also an act of *agape*.

8.

So we are subject to pressures from our culture, and

from within ourselves, that keep us from thinking and talking in ways that reflect what we know in our hearts about law school, and all that it involves; about the marginal utility of money; about the positive value of gifts and other activities that do not involve exchanges; about the negative value of some exchanges; and about the problem of complex social judgments. I could go on and on, and so could you, but I think these will do.

In all these cases I think we experience a fundamental tension: between something we dimly know in our hearts to be true and the ways in which we have learned to think and talk about the topic in question, ways that are false or incomplete or deceptive.

How can we resist these pressures? Can we reframe our own perceptions and thoughts and feelings in such a way that will lead to the deep recognition of

the infinite value of each human soul that is pointed to by the word *agape*? Suppose we actually thought, all the time, of every human being on the earth as of equal and infinite value?

Resisting is not just a matter of deciding to do it. We can certainly be mistaken when we listen to our hearts for what we know is true. We may find there not *agape* but yet another form of selfishness.

The question is one of orientation: Do we direct our minds and attentions towards fulfilling the patterns of thought and feeling and action that we absorb from our culture? Or do we direct ourselves towards what we hope will be a more profound and central kind of truth—to seeing with God’s eyes, not human eyes?

We can at least try to do the latter. And we do not have to do this alone: we can do it together, listening to

each other, responding, and criticizing, all in an effort to make ourselves open to the basic reframing that is so clearly needed.

Part of it is just trying, keeping our energies focused on expanding the frame so that we can see more clearly what is the truth. Part of it is learning to trust the lessons we have learned in our hearts. Part of it is learning to pay attention to the gospels, especially to the ways in which Jesus reframes the world for his interlocutors. Part of it is learning to pay attention to sacred texts in other traditions which work in much the same way. Part of it is learning that we cannot do it perfectly, that we will always fail, at least in part, and that we need each other.

At the moment in which we find ourselves today, what may matter most is that part of what we need can

be learned from what happens in this conference. For here we have an opportunity to try to reframe things for each other: to try to imagine an economics, a law, an education, a society in which *agape* has a central role. We need to become parable makers for each other, reframers for each other.

We need a new place to stand from which we can see ourselves and our world. Let us take Jesus seriously when he locates that place in *agape*, that is in love of God and our neighbor.

END

